

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JERIEL ALEXANDER

Plaintiff,

ORDER

-against-

22-cv-9557 (AEK)

THE STOP AND SHOP SUPERMARKET
COMPANY, LLC,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

In accordance with the briefing schedule set by the Court at the December 11, 2023 status conference, Defendant filed its motion for summary judgment on February 2, 2024. *See* ECF No. 72. From the Court’s review of the docket, however, it appears that Defendant has not complied with the requirements of Local Civil Rule 56.2 of the Joint Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York. That rule requires that “[a]ny represented party moving for summary judgment against a party proceeding *pro se* shall serve and file as a separate document, together with the papers in support of the motion, the following ‘*Notice To Pro Se Litigant Who Opposes a Motion For Summary Judgment*’ with the full texts of *Fed. R. Civ. P. 56* and *Local Civil Rule 56.1* attached.” Local Civ. R. 56.2 (emphasis added). The text of the required “Notice To *Pro Se* Litigant Who Opposes a Motion For Summary Judgment” is set forth in the Local Civil Rules.

Defendant failed to serve and file the “Notice To *Pro Se* Litigant Who Opposes a Motion For Summary Judgment,” along with the full texts of Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1, when it filed its motion papers. Defendant also failed to file proof of service of its motion papers on the docket.

Accordingly, Defendant's current motion for summary judgment (ECF No. 72) is DENIED WITHOUT PREJUDICE, due to Defendant's noncompliance with Local Civil Rule 56.2.

By February 22, 2024, Defendant must re-serve and re-file its motion for summary judgment so that it complies with the requirements of the Local Civil Rules, and must file proof of service on the docket. In addition, when Defendant re-files the motion for summary judgment, each component of the motion—*i.e.*, the notice of motion; the Local Civil Rule 56.1 statement; the memorandum of law; and a declaration attaching the relevant exhibits—must be filed as separate documents on ECF.

Plaintiff's time to serve and file his opposition papers is extended to **April 4, 2024**; and Defendant's time to serve and file its reply papers is extended to **April 16, 2024**.

Dated: February 15, 2024
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge